

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CHRISTOPHER D. SHURLAND, )  
individually and as the representative )  
of a class of similarly-situated persons, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No. 08 CV 2259  
 )  
BACCI CAFÉ & PIZZERIA ON OGDEN ) Judge Pallmeyer  
INC., and DOES 1-10, )  
 ) Mag. Judge Brown  
Defendants. )

**DEFENDANT'S MOTION TO WITHDRAW**

NOW COMES, Defendant, BACCI CAFÉ & PIZZERIA ON OGDEN, INC., by and through its attorneys, Eric L. Samore and Darren P. Grady, and respectfully moves for leave to withdraw its 9<sup>th</sup> and 10<sup>th</sup> Affirmative Defenses without prejudice.

**WHEREFORE**, Defendant, BACCI CAFÉ & PIZZERIA ON OGDEN, INC., respectfully requests leave to withdraw the 9<sup>th</sup> and 10<sup>th</sup> Affirmative Defenses, without prejudice.

Respectfully submitted,

SMITHAMUNDSEN LLC

By: \_\_\_\_\_ /s/ Eric L. Samore  
Attorneys for Defendant  
BACCI CAFÉ & PIZZERIA  
ON OGDEN, INC.

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